

# FINAL BILL REPORT

## SSB 5732

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Synopsis as Enacted

**Brief Description:** Concerning traffic infractions for drivers whose licenses or privileges are suspended or revoked.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin, Regala and Hargrove).

**Senate Committee on Judiciary**  
**House Committee on Transportation**

**Background:** It is unlawful for any person to drive a motor vehicle in this state while that person's privilege to drive is suspended or revoked. Persons can have their drivers' license suspended for failure to respond to a notice of a traffic infraction or for failure to appear at a requested hearing for a traffic infraction. In Washington, there are approximately 102,000 cases of driving with license suspended in the third degree (DWLS 3) filed annually and approximately 45,000 convictions for this offense.

DWLS 3 is a misdemeanor and it can be committed under a variety of circumstances. A person commits DWLS 3 by driving a motor vehicle when the person's driver's license is suspended or revoked because the person has (1) failed to respond to a notice of traffic infraction; (2) failed to appear at a requested hearing; (3) violated a written promise to appear in court; or (4) failed to comply with the terms of a notice of traffic infraction or citation. There are also several other behaviors which constitute DWLS 3.

The vast majority of courts of limited jurisdiction in Washington do not offer an option of a relicensing diversion program to people who are arrested and/or charged with DWLS 3. The Office of Public Defense conducted a recent survey of the district and municipal courts to determine how they deal with DWLS 3 cases. Approximately 17 percent of the courts that responded offer some sort of relicensing programs. The remainder of the courts handle the cases in the traditional way, with the involvement of a prosecutor, possibly a public defender, and the typical court procedures associated with a criminal case.

Current law directs the Department of Licensing to furnish a certified abstract of a person's driving record to the person named in the abstract. Currently, most courts of limited jurisdiction do not give a copy of a person's driver's abstract to the person named in the abstract.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary:** When a person commits DWLS 3 due to failure to appear at a requested hearing or failure to respond or pay a traffic infraction, a court or prosecuting attorney will give an abstract of a person's driving record to the person named in the record, in addition to a list of the person's unpaid traffic offense-related fines and contact information for each jurisdiction or collection agency to which the money is owed. This is required in jurisdictions that do not have a relicensing diversion program. A fee of up to \$20 may be imposed by the court.

The superior courts or courts of limited jurisdiction are authorized to participate or provide relicensing diversion programs to persons who commit DWLS 3 due to failure to respond to a notice of traffic infraction, failure to appear at a requested hearing, violation of a promise to appear in court, or failure to comply with the terms of a notice of traffic infraction or citation. Eligibility is limited to violators who, within ten years preceding the date of entering the relicensing diversion program, have had no more than four convictions of DWLS 3 due to failure to appear at a requested hearing or failure to respond or comply with the terms of traffic infraction, subject to a less restrictive rule imposed by the presiding judge of the county district court or municipal court. People subject to arrest under a warrant are not eligible for the diversion program. The diversion option may be offered at the discretion of the prosecuting attorney before charges are filed or by the court after charges are filed. A person who is the holder of a commercial driver's license or who was operating a commercial motor vehicle at the time of the violation DWLS 3 may not participate in the diversion program. Participants for whom charges are filed may be charged a fee of up to \$100 to support administration of the program. A relicensing diversion program assists drivers with suspended or revoked licenses to regain their license and insurance and to pay their outstanding fines.

Subject to available funds, counties and cities with relicensing diversion programs will annually provide the Administrative Office of the Courts (AOC) with information regarding the costs and eligibility criteria of the programs, the number of participants, how many regain their drivers' licenses and insurance, and the total amount of fines collected. Subject to available funds, AOC is directed to analyze the data and recommend a best practices model for relicensing diversion programs.

**Votes on Final Passage:**

Senate	32	13	
House	60	36	(House amended)
Senate	34	15	(Senate concurred)

**Effective:** July 26, 2009